

10-R-0066

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS AGAINST THE
CITY OF ATLANTA IN THE CASE OF JAMES
ELLIS AND BEVERLY ELLIS V. CITY OF
ATLANTA, GEORGIA, CIVIL ACTION FILE NO.
2008-CV-160200, FULTON COUNTY SUPERIOR
COURT, IN THE AMOUNT OF \$91,000.00;
AUTHORIZING SAID PAYMENT TO BE PAID
FROM FUND 5051 (WATER & SEWER) CENTER
NUMBER 170201 (DEPARTMENTAL) 5750002
(ACCOUNT) AND 4310000 (FUNCTIONAL
ACTIVITY) AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO DISTRIBUTE THE
SETTLEMENT AMOUNT; AND FOR OTHER
PURPOSES.

APPROVED BY:

JAN 19 2010

JERRY L. DELOACH
Deputy City Attorney

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

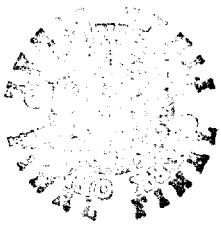
CERTIFIED

JAN 19 2010

CERTIFIED

Kimberly B. Johnson
MAYORAL CLERK

MAYOR'S ACTION



A RESOLUTION

10-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF JAMES ELLIS AND BEVERLY ELLIS V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2008-CV-160200, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$91,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiffs James Ellis and Beverly Ellis filed a lawsuit, *James Ellis and Beverly Ellis vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems; and

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, their property sustained damage resulting from a sanitary sewer backup; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

WHEREAS, Plaintiffs have agreed to accept \$91,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$91,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1 The City Attorney is hereby authorized to settle and execute all documents in the case of *James Ellis and Beverly Ellis vs. City of Atlanta*, Fulton

Superior Court, Civil Action File No. 2008-CV-160200, in the amount of Ninety-One Thousand Dollars (\$91,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Ninety-One Thousand Dollars (\$91,000.00) to James Ellis and Beverly Ellis. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for James Ellis and Beverly Ellis*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JAN 19, 2010
JAN 27, 2010

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I